

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

MALIK HALEEM SWINTON,)	
)	
Plaintiff,)	
)	
V.)	Case Number: 1:23-CV-112
)	
)	
UNITED STATES OF AMERICA, et al.)	
)	
Defendants.)	

DEFENDANTS' STATUS REPORT

1. The parties conferred via electronic mail and phone conversations on November 22 and 27, 2023. Plaintiff Malik Swinton participated and Assistant U.S. Attorney Sharon Jefferson participated for the defendants. The undersigned attorney for the Defendants prepared a draft report of parties planning meeting for the Plaintiff to consider and edit. Plaintiff replied that he did not agree with the plan and is seeking mediation. Since the parties did not reach an agreement on a report of parties planning meeting, see Defendants' proposed discovery plan and related matters:

2. Jurisdiction.

The court has jurisdiction pursuant to 28 U.S.C.A. §1346. This case involves a Plaintiff's attempt to stop the offset of his Department of Veterans Affairs' disability benefits. Also, Plaintiff's has a claim for damages related to the offset of these funds.

3. Pre-Discovery Disclosures.

Defendant contends that each party has the relevant documents from the VA, so the initial pre-discovery disclosures can be waived.

4. Discovery Plan.

Defendant proposes the following:

Discovery will be needed on the following subjects, among other subjects, to be determined:

- (a) Whether the Plaintiff received notice of the VA's offset of his VA benefits?
- (b) The extent of Plaintiff's alleged damages?
- (c) Whether the VA may continue to offset 100% of Plaintiff's VA benefits?

Disclosure or discovery of electronically stored information should be handled as follows:

The parties either will print and produce paper copies of active data, or will produce digital versions of such data in an electronic format agreeable to the parties.

The last date to complete all discovery is May 31, 2024.

Maximum of 10 interrogatories, excluding subparts, by each party to any other party.

Maximum of 15 requests for production by each party to any other party.

Maximum of 5 requests for admission by each party to any other party.

Maximum of 2 depositions by plaintiff and 2 by defendants.

Each deposition is limited to a maximum of 2 hours unless extended by stipulation.

It is unlikely that the parties will have any expert witnesses based on the limited scope of this litigation.

5. Other Items.

The last date the plaintiff may seek permission to join additional parties and to amend the pleadings is December 29, 2023.

The last date the defendant(s) may seek permission to join additional parties and to amend the pleadings is January 31, 2024.

Dispositive Motions due by June 28, 2024.

Trial date and Rule 26 (a)(3) pretrial disclosures will be governed by separate order, after the court's ruling on any dispositive motions.

6. Alternative Dispute Resolution.

Plaintiff has expressed an interest in negotiations/mediation, and has made a settlement demand. Plaintiff has not indicated if he will be willing to pay for a private mediator.

Defendant will agree to a settlement conference with the U.S. Magistrate, if ordered by the court.

CLIFFORD D. JOHNSON
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2023, attorney for the Defendants electronically filed the Status Report using the CM/ECF system. I further certify that on November 27, 2023, a copy of this document was sent by first-class mail to *pro se* Plaintiff, a non-CM/ECF participant:

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/s/ Sharon Jefferson
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